IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.K.MOHANAN

MONDAY, THE 24TH DECEMBER 2007 / 3RD POUSHA 1929

Bail Appl..No. 7942 of 2007()

(CRIME NO.392 OF 2007 OF NADAKKAVU POLICE STATION)

PETITIONER

JOHNSON GAGARIN ,S/O. DEVADAS THAYYIL
JESUS VILLA,NEDUVATHINA MEETHAL
NELLIKKODE, KOZHIKODE.

BY ADV. SRI.VELLAYANI SUNDARARAJU
SMT.P.MEENAKUMARI

RESPONDENT:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR,HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. K.MOHANAN, J.

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Bail Application NO. 7942 of 2007

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Dated this the 24th day of December,2007.

O R D E R

This is an application for anticipatory bail filed by the petitioner who is the accused in Crime No.392/2007 of Nadakkavu Police Station registered under sections 354, 406, 498A, 323 and 377 read with section 34 IPC. The above crime was registered by the police on receipt of the complaint under section 156(3) Cr.P.C. from the Judicial First Class Magistrate Court-IV, Kozhikode for investigation of the complaint filed by the wife of the petitioner.

2. The allegation in the above complaint is that the marriage between the petitioner and the defacto-complainant was taken place in the year 1990 and in that wed lock two children were born to them and the petitioner had subjected the defacto-complainant to cruelty. It is also alleged that the defacto-complainant was subjected to un-natural intercourse, as a result of which rupture was caused to her anus. It is further alleged that the daughter was also beaten up by the petitioner.

3. The petitioner denied all the allegations and stated that a family dispute is pending before the Family Court, Kozhikode as O.P.No.741/2007.

4. In the above crime apart from offence under section 498A, offences under sections 354, 406, 323 and 377 are also involved. The offences against the petitioner are grave and heinous in nature.

5. Considering the serious nature of the allegations against the petitioner, I am of the view that custodial interrogation of the petitioner is absolutely necessary as part of the investigation. In such circumstances, the petitioner is not entitled to get anticipatory bail.

6. In the result, the application for anticipatory bail is dismissed.

V.K.MOHANAN,
JUDGE.

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